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*Secretary for
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California Regional Water Quality Control Board North Coast Region

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**Arnold
Schwarzenegger**
Governor

December 24, 2003

Public Notice for Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects)

Lake Earl Flood Control Project

Del Norte County (WDID# 1A1001WNDN)

On January 16, 2001, the North Coast Regional Water Quality Control Board (Regional Water Board) issued an emergency Water Quality Certification to the California Department of Fish and Game (CDFG) to dredge sand from the sandbar between Lake Talawa and the Pacific Ocean in order to lower the water level in Lake Talawa and Lake Earl. The Water Quality Certification was issued pursuant to Section 401 of the Federal Clean Water Act and was in effect for two winter periods, ending of February 15, 2002. On October 1, 2002, the CDFG requested a one-year extension of the Water Quality Certification while the Lake Earl Wildlife Management Plan was being completed. The Regional Water Board extended the certification to February 15, 2003, on December 17, 2002. On December 22, 2003, Del Norte County verbally requested another extension to deal with an emergency. The proposed project causes disturbances to waters of the state associated with Lake Talawa, Lake Earl, the Pacific Ocean, and the Smith River Plain Hydrologic Sub-Area No.103.11.

The proposed breaching will take place at the narrowest length of the sandbar between Lake Talawa and Pacific Ocean, just north of Crescent City in Del Norte County, California. The purpose of the project is to lower the lake level to prevent flooding of public and private roads, and private property. The project will involve excavating a trench 200 feet long by 20 feet wide by 4 feet deep between Lake Talawa and the Pacific Ocean to start the flow of lake water (beginning elevation 10 feet) to the ocean (mean high water level 6.3 feet). Once the flow has started, it will increase rapidly, causing the erosion of much more of the sandbar. The estimated combined water volume of the lakes before breaching is 34,559 acre-feet. After breaching, the stored water volume would fluctuate between 2,574 and 18,000 acre-feet, depending on the tide. Access to the site is through the Pacific Shores subdivision. The area surrounding the breaching site consists of a broad sandy beach backed by extensive dunes.

The coastal lagoon system provides habitat for several endangered and threatened species. The effects of artificial breaching on these species are not well documented.

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The total area of wetlands to be temporarily dredged is approximately 0.09 acre. Volume of dredged material is 550 cubic yards.

The California Department of Fish and Game (CDFG), as the lead California Environmental Quality Act (CEQA) agency, has prepared a draft environmental impact report for this project. The report is not yet final pursuant to the California Environmental Quality Act (CEQA).

The nearest receiving water is Lake Talawa located in Smith River Hydrologic Unit No. 103.00.

Work will begin when sufficient rainfall occurs that raises the lake levels to 8 feet MSL. Breaching is anticipated to occur between January 2, 2004, and January 6, 2004. Additional breaching may be necessary up to April 15, 2004, if the breach site seals up and the lake levels rise again.

Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Dean Prat at (707) 576-2801, or at pratd@rb1.swrcb.ca.gov within 21 days of the posting of this notice.